

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

**CYTOLOGIX CORPORATION’S MOTION FOR RECONSIDERATION AND TO
AMEND JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 59(e), Plaintiff CytoLogix Corporation (“CytoLogix”) hereby moves for reconsideration and to amend the judgment entered on October 17, 2007. CytoLogix respectfully contends, *inter alia*, that it has material evidence that was previously unavailable that the Court should consider and that the Court has erred in granting Ventana Medical Systems, Inc.’s motion to dismiss for lack of jurisdiction. Filed with this motion and in support thereof are CytoLogix Corporation’s Memorandum in support of its Motion for Reconsideration and to Amend Judgment and a supporting affidavit by Michael E. Zeliger, with redacted exhibits. Also filed with this Motion is a motion to impound the unredacted exhibits.

Dated: October 31, 2007

/s/ Michael E. Zeliger

Michael E. Zeliger (BBO # 633654)

David A. Simons (BBO # 638740)

Jackson Ho (BBO # 663413)

KIRKPATRICK & LOCKHART

PRESTON GATES ELLIS LLP

State Street Financial Center

One Lincoln Street

Boston, MA 02111

(617) 261-3100 Telephone

(617) 261-3175 Facsimile

Attorneys for Plaintiff CytoLogix Corporation

LOCAL RULE 7.1(A)(2) CERTIFICATION

On October 29, 2007, counsel for Plaintiff, Michael E. Zeliger, conferred with counsel for Ventana, Roger Chin, by telephone, in a good faith effort to resolve or narrow the issues raised in this Motion. Agreement was not reached.

/s/ Michael E. Zeliger

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing CYTOLOGIX CORPORATION'S MOTION FOR RECONSIDERATION AND TO AMEND JUDGMENT, to be served upon counsel of record this 31 day of October, 2007, by filing it with the Court's ECF system.

/s/ Jackson Ho